

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PHYLLIS CARSON; LORNE COSMAN;)
WILLIAM DRAPER; PHILLIP)
ERICKSON; TERENCE GRANER;) C.A. No. 22-208-CFC
DONALD HARMAN; SARAH)
HOUSEHOLDER; TRUDY L. GRANER;)
TRUDY LETSON; SABINE MILLER;)
DIANA HOBERT-POWELL; JANET)
PURVIS; PATRICIA ROBERTS;)
CAROLE SCHAUER; CARA)
WASHINGTON; STEPHEN KAPLITT;)
MICHAEL DOBKIN; CHERYL MEOLA;)
DIANE DRAKE; CHROSTPHER NIND;)
ROSE CARINA; BRUCE WILLIAMS;)
ANTHONY HARRIS; TIMUR)
SAKHARUK; ROBERT DIMARTINO;)
IAN PERRY; STEPHEN LUTHER;)
GREGORY ORENSKI; RODNEY NASH;)
and DEBORAH THELEN individually and)
on behalf of all others similarly situated,)
Plaintiffs,)
v.)
HP INC.,)
Defendant.)

**HP INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS
MOTION TO DISMISS AND TO STRIKE CLASS ALLEGATIONS**

Pursuant to Federal Rule of Evidence 201, HP requests that this Court take judicial notice of the HP Limited Warranty, attached hereto as **Exhibit A**, in the Court's consideration of HP's Motion to Dismiss and to Strike the Class Allegations in Plaintiffs' Second Amended Complaint ("SAC").

Documents referenced in a complaint are the proper subject of judicial notice, even if those documents are not attached to the complaint. *In re Burlington Coat Factory Sec. Litig.*, 114 F.3d 1410, 1426 (3d Cir. 1997); *see also Webb v. Volvo Cars of N.A., LLC*, 2018 WL 1470470, at *9 n.9 (E.D. Pa. Mar. 26, 2018) (taking judicial notice of defendant's warranty terms).

Here, the HP Limited Warranty is integral to Plaintiffs' claims, including their breach of express and implied warranty claims, and is repeatedly referenced in the SAC. *See* SAC ¶¶ 21, 81 (quoting HP Limited Warranty), 237, 588, 621, 824, 950, n.16 (linking to HP website displaying HP Limited Warranty), n.17 (same). **Exhibit A** is identical to the versions linked in footnotes 16 and 17 of the SAC.

Accordingly, this Court should take judicial notice of **Exhibit A**.

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